

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE
2004 JUN -4 A 11:13
U.S. DISTRICT COURT
DISTRICT OF MASS

INTAC INTERNATIONAL, INC.

Plaintiffs,

v.

ACORP D/B/A ROOTERMAN

Defendants.

Civil Action No. 04-10040-REK

**JOINT STATEMENT OF THE PARTIES
IN RESPONSE TO LOCAL RULE 16.1(D)**

Pursuant to Local Rule 16.1(D) and the Court's Notice of Scheduling Conference scheduled for June 10, 2004, the parties have conferred and jointly submit the following responses.

I. Proposed Agenda of Matters to be Discussed at June 10 Pre-Trial Conference:

1. Report on Current Feasibility of Settlement Discussions
2. Parties' Jointly Proposed Pre-Trial Schedule
3. Any other matters.

II. Proposed Pre-Trial Schedule

The parties have each proposed and discussed the following proposed joint pre-trial plan. The parties remain in disagreement after multiple discussions as set forth herein:

1. Plaintiff proposes all initial discovery requests shall be propounded by November 1, 2004. Defendant proposes the date of April 1, 2005.
2. All written discovery requests, including supplementation of discovery

responses, to be completed by March 31, 2005 per Plaintiff's proposal and October 31, 2005 per Defendants proposal with oral depositions to be completed by August, 2005 per Plaintiff's proposal and December, 2005 per Defendant's proposal, except as otherwise agreed by the parties;

3. Disclosure of expert witnesses on the Liability Phase, if any, and the information specified in Fed. R. Civ. P. 26(a)(2)(B) shall be made by February 15, 2005 as proposed by Plaintiff and October 15, 2005 as proposed by Defendants;
4. Disclosure of rebuttal experts, if any, and the information specified in Fed. R. Civ. P. 26(a)(2)(B) shall be made by May 15, 2005 by Plaintiff's proposal and November 15, 2005 by Defendants proposal;
5. Any dispositive motions shall be filed on or before October 1, 2005, by Plaintiff's proposal, Defendants propose January 1, 2006, and heard as soon thereafter as practical: for calendar control purposes, the Parties respectfully recommend that the Court set such a hearing date now;
6. Oppositions to dispositive motions shall be filed within 30 days of receipt of service of any such motions;
7. Reply memoranda, if any, shall be filed within 15 days after service of such oppositions;
8. To the extent anything remains to be tried, the Plaintiff proposes that the Court schedule a Final Pre-Trial Conference for a date in November, 2005 and Defendants propose March, 2006;
9. The Plaintiff proposes trial should be scheduled to commence on or about January, 2006; Defendant's propose June, 2006.

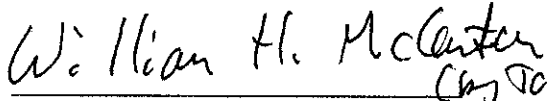
III. Rule 16.1(D)(3) Certifications

Counsel have conferred with their respective clients concerning the matters set forth in

L.R. 16.1(D)(3).

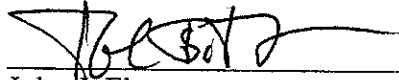
IV. Consent to Trial Before United States Magistrate Judge. The parties decline the opportunity to conduct trial before a U.S. Magistrate Judge.

ACORP/ d/b/a ROOTERMAN, et al
By their attorneys,


William H. McCarter (BBO#327620) *by John Flanagan*
P.O. Box 1044
Winchester, MA 01890

Dated June 3, 2004

INTAC INTERNATIONAL, INC.
By its attorneys,


John J. Flanagan (BBO#649222)
Torti Flanagan, P.C.
146 Main Street
Norfolk, MA
(508) 520-0803